



UNITED STATES PATENT AND TRADEMARK OFFICE

Office of Data Management

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2000 E. EL SEGUNDO BLVD.  
EL SEGUNDO CA 90245-0902

In re Application of	:	DEC 30 2008
<u>CROUCH, DAVID D.</u>	:	
Application No. 10/803,403	:	<b>DECISION ON PETITION</b>
Filed: March 18, 2004	:	
Attorney Docket No. PD-02W127	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) via facsimile transmission on July 24, 2006.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed March 6, 2006. The Notice of Abandonment, mailed on July 13, 2006 indicates, "The submitted fee of \$300 is insufficient. A balance of \$1400 is due".

The Office acknowledges receipt of Part B – Fee(s) Transmittal via facsimile transmission on March 27, 2006 authorizing that the Issue Fee be charged to Deposit Account No. 50-0888. On March 27, 2006 when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fee.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b).  
(Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

*By mail:*

Mail Stop Petitions  
Commissioner for Patents  
Office of Petitions  
P O Box 1450  
Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at (703) 308-9250 Ext. 175.



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